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Attorneys for Defendant Google LLC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JONATHAN DIAZ and LEWIS
BORNMAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 5:21-cv-03080-NC

**JOINT STIPULATION AND [PROPOSED]
ORDER AMENDING THE MOTION TO
DISMISS BRIEFING SCHEDULE**

Hon. Nathanael M. Cousins

1 Pursuant to Civil Local Rules 6-2 and 7-12 Plaintiffs and Defendant Google LLC
2 (“Google”) (collectively, the “Parties”), by and through their respective counsel of record,
3 hereby stipulate as follows:

4 WHEREAS, on August 25, 2021, Google moved to dismiss Plaintiffs’ Amended Class
5 Action Complaint (Dkt. 37) and filed a request for judicial notice in support of the same (Dkt.
6 38);

7 WHEREAS, on September 28, 2021, the Parties informed the Court that they were
8 developing an informal but collaborative discovery process that may resolve many of the
9 pending issues raised in Google’s motion to dismiss, and requested modification of the motion to
10 dismiss briefing schedule (*see* Dkt. 47 (Stipulation & Proposed Order)), which the Court granted
11 (*see* Dkt. 48);

12 WHEREAS, in lieu of formal discovery, the Parties have been actively engaging in a
13 settlement-privileged exchange of information concerning some of the core technological issues
14 relevant to Plaintiffs’ allegations,

15 WHEREAS, as a result of these ongoing and fruitful efforts, the Parties participated in
16 two mediation sessions with the Hon. Read Ambler (Ret.) of JAMS on January 31, 2022 and on
17 February 7, 2022, making significant progress towards resolving this action;

18 WHEREAS, the parties will meet again with Judge Ambler on Friday February 11, 2022,
19 one business day before the deadline for Plaintiffs’ opposition to Google’s motion to dismiss and
20 request for judicial notice in support of the same;

21 WHEREAS, modifying the briefing schedule will permit the Parties to focus their time
22 and energy on the latter stages of the mediation process;

23 WHEREAS, the requested modification to the motion to dismiss briefing schedule will
24 not alter the date of any event or other deadline set by the Court aside from the Court’s prior
25 modifications to the briefing and hearing schedule for Google’s Motion to Dismiss (*see* Dkts. 48,
26 51, 54, and 56);

27 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
28 the Parties, through their respective counsel and subject to the Court’s approval, that:

1. The deadline for Plaintiffs' opposition to Google's motion to dismiss and request for judicial notice in support of the same is moved from **February 14, 2022** to **February 28, 2022**.
2. The deadline for Google's reply brief in support of its motion to dismiss and request for judicial notice in support of the same is moved from **February 28, 2022** to **March 14, 2022**, or the earliest date thereafter that is convenient to the Court.
3. The hearing on Google's motion to dismiss and request for judicial notice in support of the same is moved from **March 16, 2022** to **March 30, 2022**, or the earliest date thereafter that is convenient to the Court.
4. The case management conference currently scheduled for **March 16, 2022** is moved to **March 30, 2022**, or the earliest date thereafter that is convenient to the Court.

Dated: February 10, 2022

/s/ Michael W. Sobol

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1 Dated: February 10, 2022

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10 Pursuant to Stipulation, **IT IS SO ORDERED.**

12 Dated: _____

Honorable Nathanael Cousins

Filer's Attestation

In accordance with Civil Local Rule 5-1(h)(3), the filer of this document hereby attests that the concurrence to the filing of this document has been obtained from counsel for Defendant Google LLC.

Dated: February 10, 2022

/s/ Douglas I. Cuthbertson

Douglas I. Cuthbertson

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